

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CARLOS PEREIRA BENITEZ,	:	Civil No. 3:22-cv-0809
	:	
Plaintiff,	:	
	:	(Judge Sylvia H. Rambo)
v.	:	
	:	
UNITED STATES, et al.,	:	
	:	
Defendants.	:	

O R D E R

Before the court is the report and recommendation of Chief United States Magistrate Judge Karoline Mehalchick (Doc. 19) recommending that court grant the motion to dismiss and for summary judgment (Doc. 15) filed by Defendants the United States, the Federal Bureau of Prisons, the National Gang Unit Agency, Security Investigation Service, and J. Meyers. No party has filed objections to the report and recommendation, resulting in the forfeiture of de novo review by this court. *Nara v. Frank*, 488 F.3d 187, 194 (3d Cir. 2007) (citing *Henderson v. Carlson*, 812 F.2d 874, 878–79 (3d Cir. 1987)).

Following an independent review of the report and record, and affording “reasoned consideration” to the uncontested portions of the report, *EEOC v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson*, 812 F.2d at 879), to “satisfy [the court] that there is no clear error on the face of the record,” Fed. R. Civ. P. 72(b), advisory committee notes, the court finds that Judge Mehalchick’s

analysis is well-reasoned and fully supported by the record and applicable law.

Accordingly, **IT IS ORDERED** as follows:

- 1) The report and recommendation (Doc. 19) is **ADOPTED** in its entirety.
- 2) The motion to dismiss and for summary judgment (Doc. 15) is **GRANTED**.
- 3) The Clerk of Court is directed to close this case.
- 4) The court declines to issue a certificate of appealability, as the plaintiff has failed to demonstrate a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Buck v. Davis*, 137 S.Ct. 759, 773-75 (2017); *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: November 6, 2023